

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7017

BILL NUMBER: HB 1009

NOTE PREPARED: Jan 9, 2006

BILL AMENDED:

SUBJECT: Redistricting Commission.

FIRST AUTHOR: Rep. Torr

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Redistricting Commission*- The bill establishes a redistricting commission to create, hold hearings on, take public comment about, and recommend plans to redraw General Assembly districts and Congressional districts.

Commission Staff and Administration- The bill requires the Legislative Services Agency (LSA) to provide staff and administrative services to the Commission. The bill establishes standards to govern the Commission and the LSA in the creation of redistricting plans.

Penalty Provision- The bill provides that a person either employed by or under contract with the agency may not knowingly or intentionally use political data in the creation or evaluation of a redistricting plan. The bill provides that a person may not knowingly or intentionally solicit, aid, induce, or cause a person employed by the agency or under a contract with the agency to use political data in the creation or evaluation of a redistricting plan. The bill provides that violation of these restrictions is a Class D felony.

General Assembly, Appropriation, and Repeal Provisions- The bill requires the General Assembly to meet and to enact redistricting plans before October 1 of a redistricting year. The bill authorizes the General Assembly to convene in a session to act on redistricting bills at times other than the General Assembly is currently authorized to meet. The bill repeals current law relating to Congressional redistricting and makes an appropriation.

Effective Date: July 1, 2006.

Explanation of State Expenditures: Redistricting Commission- The proposed Commission would have five members appointed by the President Pro Tempore of the Senate, Speaker of the House, Senate Minority Leader, House Minority Leader, and the Chief Justice of the Indiana Supreme Court. Commission members would be required, during a redistricting year, to hold at least one public hearing in the northern, southern, and central regions of Indiana. By August 1 of a redistricting year, the Commission would adopt and submit a redistricting plan to the consideration of the General Assembly.

Commission Staff and Administration- LSA would be required to provide employees to staff Commission meetings. LSA would also be required to create maps, write map descriptions, evaluate publicly submitted maps, and receive written public comments on the Commission's behalf. If the current year were a redistricting year, the LSA would be able to carry out these provisions within the agency's existing level of resources. However, the effect on Agency expenditures would depend on the agency's budgetary needs in redistricting years for the proposed Commission. The next redistricting year will be 2011.

General Assembly Provisions- In a redistricting year, the General Assembly would be required to meet by October 1 to consider the Commission's redistricting plan recommendation. Given the dates set in the bill for Commission action, a special session would likely be required to consider the Commission's recommendation. Assuming a two-week special session with eight session days would be sufficient to hear, debate, amend, and pass a redistricting bill(s), the following table presents cost estimates for a special session. The estimates assume *current* per diem and travel costs, which may not be the same in 2011.

Estimated Costs for a Two-Week Special Session	
Legislators (150 total)	Eight Session Days
Per Diem*	\$89,280
Travel**	\$10,025
Total***	\$99,305
<p>* Legislators receive \$128 per diem for every day in session (including Sat. & Sun.) and \$53.60 per diem for every day not in session. The net effect on expenditures is an additional \$74.40 per diem for every day in session.</p> <p>** Legislators are entitled to mileage for one round trip per week while in session.</p> <p>*** The House & Senate would also incur an unknown minor amount of expense for temporary session staff (doorkeepers & other temporary staff).</p>	

Penalty Provision: An employee or contract employee of LSA that knowingly or intentionally used political data to create or evaluate a redistricting plan would commit a Class D felony. In addition, a person that knowingly or intentionally solicited, aided, or induced an employee or contract employee of the LSA to use political data would commit a Class D felony.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is

approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction; Legislative Services Agency.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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